

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Judge: Hon. Susan Illston

C05 00317 SI

1. This request arises, in part, out of an inadvertent scheduling error by our office. Unfortunately, although Counsel for both sides have communicated on this matter, we have been unable to reach a mutually agreeable resolution.
2. Specifically, we miscalendared the discovery cut-off, scheduling it for the end of October rather than the end of September. Therefore, in planning the deposition schedule, we factored in the wrong deadline, as we assumed that depositions could be taken in October.
3. Plaintiff has two remaining depositions that need to be taken. Defendant has a summary judgment that is due at the end of this month. We have asked Defendant whether it will agree to a brief, two-week extension of the discovery cut off so as to allow us to complete the two remaining depositions. In turn, we have expressed to defendant that we are willing to stipulate (subject to the Court's approval) to an extension of the deadline for their filing of the Motion for Summary Judgment. That date can be extended two weeks, which would thus allow Plaintiff to complete the two depositions. Otherwise, Plaintiff would have to request a continuance on the summary judgment opposition so as to allow the additional discovery.
4. We are therefore respectfully requesting that the Court allow us, as result of this good faith mistake in scheduling, to allow us to complete two depositions. These depositions can be completed by the second week of October, 2005.
5. The second matter that needs to be brought to the Court's attention is the re-scheduling of Plaintiff's deposition. Our office provided last week that Plaintiff's deposition could be conducted on the week of September 26, 2005, prior to September 20, 2005, the discovery cut-off. This was a last minute scheduling, so as to accommodate Defendant's request. We assumed that Plaintiff would, in fact, be able to appear on this date. Moreover, in lieu of Plaintiff's counsel's own conflicted schedule, we had made arrangement for another attorney to defend Plaintiff's deposition. Plaintiff has just recently contacted our office noting that she did not have the dates available that we had scheduled for her deposition. We explained to Defendant's

1 counsel the reason why Plaintiff was unavailable. Our office had also rushed to make dates
2 available this week; Plaintiff's counsel had already engaged Mr. Macalino to be available for
3 those dates.

- 4 6. Ms. Lias stated that she would try to move her own court schedule around for this week, but , as
5 of this juncture, has not been able to do so. Therefore, she is unable to appear at this week's
6 deposition. But, she is able to attend her deposition, if, as requested herein, it can be taken
7 within the next two week period—beyond the discovery cut-off.
- 8 7. Moreover, she has not been able to make time on such short notice to meet with me so that I can
9 prepare her for her deposition.
- 10 8. In lieu of the foregoing, extending the discovery cut –off date by two weeks would allow our
11 office to better coordinate and produce Plaintiff within that period. Further, Plaintiff could
12 complete the two remaining depositions that are needed as well. Defendant could then file its
13 Summary Judgment at the end of this two period and/or no later than October 14, 2005.

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16 WELLS & HOPKINS

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18 Dated: _____

19 By: _____
20 STEPHINE M. WELLS
21 Attorney for Plaintiff
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RENEE LIAS,)	Case No.CO5-00317 SI
)	
Plaintiff)	
)	[PROPOSED] ORDER GRANTING
vs.)	EXTENSION OF DISCOVERY CUT-OFF
)	BY TWO WEEKS; SETTING SUMMARY
COUNTY OF ALAMEDA CALIFORNIA,)	JUDGMENT MOTION FILING DEADLINE
OFFICE OF COUNTY COUNSEL,)	OUT BY TWO WEEKS
)	
Defendants.)	Judge: Hon. Susan Illston
)	
)	
)	
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1. Discovery Cut-Off in this matter is extended by two weeks. Discovery Cut-Off is now October 14, 2005.
2. Plaintiff is must appear for her deposition within this period of time.
3. Plaintiff is allowed to complete the depositions of the two remaining deponents prior to the October 14, 2004, thus Defendant must make these deponents available for deposition before October 14, 2004.
4. The deadline for Defendant to file its Motion fro Summary Judgment is extended to October 14, 2005 ~~or [October 21, 2005.]~~ opposition due: 10/28/05, reply due 11/4/05, hearing 11/18/05 @ 9:00 a.m. ~~This extension does not shorten the notice period for Defendant's Motion for Summary Judgment.~~

IT IS SO ORDERED

1 Dated: _____

2 By: _____
3 Susan Illston
4 United States Federal Judge

